

- b) incorporating in the electronic memory system, battery pack data related to battery pack characteristics of the battery pack;
- c) monitoring present battery pack conditions;
- d) retrieving the battery pack data;
- e) communicating information based on the present battery pack conditions and based on the battery pack data to processing circuitry of the portable utilization device; and
- f) controlling by said portable utilization device, operational discharge of the battery pack, said controlling procedure comprising deselecting at least one battery of the battery pack.

REMARKS

Applicant acknowledges the Examiner's phone call of September 20, 1999, in which the Examiner requested the above amendments. It is Applicant's understanding from the Examiner that the above amendments were requested for the purpose of clarification only, and that they are not intended to modify the scope of the claims in any way. More particularly, the Examiner found the "said controlling comprising ..." clause of each claim in which three consecutive "verbs" are recited potentially confusing. The Examiner asked that the nouns "step" or "function" be inserted after "said controlling" to break up the consecutive verbs for clarification. Applicant, however, has instead inserted the noun "procedure" (with the Examiner's approval) to avoid any potential confusion that the addition of "step" or "function" to the above claims would limit them in any way under 35 USC 112, paragraph 6. In other words, it should be understood that the above claims are not to be interpreted as "step plus function" claims under 35 USC 112, paragraph 6.

Applicant has additionally amended claims 32, 37 and 45 to substitute a colon for the semi-colon in the preamble.

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Applicant also reminds the Examiner that Applicant filed via regular mail on September 17, 1999, an additional Information Disclosure Statement for the Examiner's consideration.

Applicant believes that pending claims 2-15, 17-30 and 32-45 are in condition for allowance. Should the Examiner disagree or have any questions regarding this submission, Applicant respectfully requests that the Examiner telephone the undersigned at (312) 707-8889.

A Notice of Allowability is courteously solicited.

Date: 9/21/99

Respectfully submitted,



Christopher C. Winslade
Reg. No. 36,308

McAndrews, Held & Malloy, Ltd.
500 W. Madison Street, Suite 3400
Chicago, Illinois 60661
(312) 707-8889

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